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DUE
DATE

ACTION

DIST

ENEDETTI, R.L.

ENJAMIN, A.

ERMAN, H.S.

CARNIVAL, G.J.

COPE, R.D.

CORDOVA, R.C.

DAVIS, J.G.

ERRERA, D.W.

FRANZ, W.A.

GANNI, B.J.

HEALY, T.J.

HEAHL, T.G.

HILBIG, J.G.

IRBY, W.A.

KESTER, A.W.

KANN, H.P.

KARX, G.E.

KENNA, F.G.

KORGAN, R.V.

KZUTO, V.M.

KOTTER, G.L.

KLEY, J.H.

KNDLIN, N.B.

KATTERWHITE, D.G.

KHUBERT, A.L.

KETLOCK, G.H.

KULLIVAN, M.T.

KANSON, E.R.

KILKINSON, R.B.

KILSON, J.M.

Keith S X

United States Government

Memorandum

AUG 16 1993

ERD:FRL:09377

Legal Interpretation of Colorado Hazardous Waste Act

Kathy Izell, Office of Chief Counsel, RFO

Environmental Restoration Division is continuing to address the regulatory commitments and preliminary cost estimates for the Solar Ponds, Operable Unit (OU) 4. It has become evident that ability to complete RCRA closure of the Solar Ponds in-place would save considerable time and money. Informal communication with Colorado Department of Health (CDH) personnel, supported by some written correspondence, maintains that such a "dirty" closure of the Solar Ponds is unachievable. EG&G personnel working the regulatory issues do not see such a RCRA closure to be unachievable, however they have not clearly documented the legal basis for their position.

This issue of the legality and feasibility of in-situ closure of the Solar Ponds is extremely significant to the cost of OU4 remediation, and may impact the Landfill OU7 and existing water management A, B, and C-series ponds in OU5 and OU6. I am requesting a legal opinion regarding the legal feasibility and risk of proceeding with a RCRA closure of the Solar Ponds which would leave the sludge and/or the asphalt liners in place. Your opinion is requested no later than August 30, 1993, as it will directly affect the current dispute resolution process.

Please contact Frazer Lockhart at extension 7846 if you have further questions on this request.

James K. Hartman
Assistant Manager for Transition
and Environmental Restoration

cc:
H. Belencan, EM-453
R. Schassburger, ERD, RFO
M. Roy, OCC, RFO
S. Keith, EG&G

Department of Energy

Rocky Flats Office



CORRESPONDENCE CONTROL x x
ATS/T130G

Reviewed for Addressee
Corres. Control RFP

18-93
DATE BY

Ref Ltr. #

DE ORDER # 5400